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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 14th August 2025

S.R.O. No. 666/2025— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award, dated the 15th July 2025 passed in the I.D. Case No. 53 of 2024 by the Presiding Officer, Industrial Tribunal, Bhubaneswar on the industrial dispute between the Management of M/s Medicinal Plant Knowledge Centre, Patrapada, Bhubaneswar and The General Secretary, Odisha Forest Mazdoor Union (CITU), Kharavelnagar, Unit-3, Bhubaneswar is hereby published as in the schedule below :—

SCHEDULE

BEFORE THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 53 of 2024

Dated the 15th July 2025

Present :

Shri Benudhar Patra, LL.M.,
Presiding Officer,
Industrial Tribunal,
Bhubaneswar.

Between :

The Management of -
M/s Medicinal Plant Knowledge Centre,
Patrapada, Bhubaneswar. . . First Party—Management

And

The General Secretary,
Odisha Forest Mazdoor Union (CITU),
Kharavelnagar, Unit-3,
Bhubaneswar. . . Second Party—Workman

Appearances :

None	: For the First Party
Satyananda Behera (A/R)	: For the Second Party

AWARD

The Government of Odisha in the Labour & E.S.I. Department, have referred the following schedule of dispute for adjudication by this Tribunal vide Order No. 8391—LESI-IR-ID-0001-2024/ LESI., dated the 24th September 2024 :—

SCHEDULE

"Whether the demand of the General Secretary, Odisha Forest Mazdoor Union (CITU), Kharabelnagar, Unit-3, Bhubaneswar for regularization of services of workmen (as per list in Annexure-1) by the management M/s Medicinal Plant Knowledge Centre, Patrapada, Bhubaneswar is legal and/or justified ? If yes what relief they are entitled to ?"

2. The instant reference is the outcome of a complaint rasied by the General Secretary, Odisha Forest Mazdoor Union (CITU) claiming regularisation of 42 Nos. of workers (list furnished along with the conciliation failure report), who have been working in different fields.

3. In support of the stand, the Union filed a claim statement and averred therein that the first party, a Medicinal Plant Knowledge Centre comes under the Forest Environment Dept. of the Govt. of Odisha and in order to carry on its permanent and perennial nature of activities, it has engaged the second party members as Grass Cutters, Sweepers, Plantation Workers, Water Supply and Nursery Workers and in the process the second party members have been working under the first party since 2006 onwards and all of them have completed more than 240 days of work in each year and used to get their monthly wages through their repective bank account, being credited by the Forest Range Officer. It is alleged that as the second party members were deprived of their minimum wages, weekly off day, National and Festival Holidays and other statutory benefits, they submitted a five-point charter of demands to the first party through their Union on the 16th November 2015 with copies to the Labour Machinery, but due to the dilatory tactics adopted by the first party no step was taken on the demand which perforced the Union to approach the Hon'ble Court in W.P. (C) No. 23841 of 2022 and as per the direction of the Hon'ble Court ultimately the Government has made the present reference considering the failure report submitted by the Conciliation Officer. Specifically, it is averred in the claim statement that despite the second party members rendering continuous service ranging from 7 to 17 years no step has yet been taken by the first party management for regularisation of their services, although the first party is a Government owned Public Sector Organisation and is earning good profit out of its activities. In the background as above, the Union has prayed for regularisation of services of 42 number of workers from the date of their appointment treating them at par with the permanent/regular employees.

4. The first party management despite several notices sent through Registered Post did not enter appearance, nor filed its written statement, as a result it was set *ex parte* vide order, dated the 7th May 2025.

5. In support of its claim the second party Union adduced evidence of two witnesses and placed reliance on documents, which have been marked as Exts. 1 to 10.

FINDINGS

6. Keeping in view the terms of reference, the questions that arise for consideration is as to, if the demand of the second party Union for regularisation of its members is legal and/or jusified and the relief to which they are entitled.

7. The second party in support of its demand has examined two of the disputants involved in the *'lis'* as W.W. 1 and 2. On scrutiny, their evidence appears to be the exact reproduction of the assertions of the second party in the claim statement and therefore, needs no reiteration. Out of the documents, on which the second party placed reliance, Ext.1 is the photocopy of list of workmen prepared by the second party; Ext. 2 is the photocopy of the five-point charter of demands sumitted by the second party to the first party; Ext. 3 series are the letters of the ALO, Bhubaneswar addressed to the first party seeking its views on the grievance of the second party; Ext. 4 series are the letters of the second party addressed to the DLO, Bhubaneswar requesting to impart a direction to the first party for an amicable settlement of their grievance; Ext. 5 & Ext. 6 are the conciliation notices issued to the parties by the ALO, Bhubaneswar pursuant to the five-point charter of demands of the Union; Ext. 7 is the letter of the second party intimating the Conciliation Officer, Bhubaneswar regarding the orders passed by the Hon'ble Court in W.P.(C) No. 23841 of 2022; Ext. 8 is the photo copy of the certified copy of the orders, dated the 26th October 2022; Passed by the Hon'ble Court in W.P (C) No. 23841 of 2022; Ext. 9 is the letter of the Conciliation Officer-*cum*-ALO, Bhubaneswar intimating the parties regarding failure of the conciliation and Ext.10 is the photocopy of Savings Bank Account of one of the disputants namely, Tarun Bhoi (W.W. No. 2).

8. In the background of the claim, the learned representative of the second party referring to the evidence, both oral and documentary, adduced on its behalf contended that when the first party is not coming forward to have a deliberation in the context, nor participated in the hearing, a finding is inevitable that the demand for regularisation of its members, who are working under the management continuously for a substantial period needs consideration. But for the reasons to follow the Tribunal is not inclined to accpet the above submission of the learned representative.

In a case of this nature even if the management did not prefer to contest the case, still a duty is cast upon the claimant to lead clear and cogent evidence justifying its claim for regularisation in service. In the case in hand, though the second party has laid a claim for regularisation of its members numbering 42, but not a single scrap of paper is available on record showing that the disputants, who are being paid minimum wages, were appointed following due procedure; that from the date of their engagement they have been discharging their duties continuously under the first party; that their engagement was against sanctioned posts; that the works in which they are engaged is of permanent and perennial in nature and that they discharge the same nature of duties as are being performed by their counterparts in regular establishment. Rather, the list attached to the conciliation failure report indicates that the disputants are working as daily wage labourers. When it is the settled proposition of law that in order to consider a claim for regularisation in service, the criterion, as referred to *supra,* are to be considered by the Tribunal, the second party ought to have placed sufficient evidence in that regard, notwithstanding non-filing of counter reply or non-adducing of rebuttal evidence from the side of the management. In absence of any evidence in support of the demand of the second party, the Tribunal finds it difficult to answer the reference

in affirmative in favour of the second party . Accordingly, it is held that the second party has failed in its attempt to justify the demand for regularisation of service of its members, inasmuch as, there is dearth of evidence to sustain the claim laid by the second party.

The reference is disposed of accordingly.

Dictated and corrected by me.

BENUDHAR PATRA
15-07-2025
Presiding Officer
Industrial Tribunal, Bhubaneswar

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15-07-2025
Presiding Officer
Industrial Tribunal, Bhubaneswar

[No. 7355—LESI-IR-IRM-0001/2024-LESI]

By order of the Governor

MADHUMITA NAYAK

Special Secretary to Government

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